

Christopher P DelCioppio

From: Christopher P DelCioppio
Sent: Wednesday, May 7, 2025 10:08 AM
To: lexusjake1@gmail.com; Alla Ioffe
Subject: Order from Court

Juda,
Alla,

Below is the text of the order the court entered after we all appeared in court yesterday:

Minute Entry and Order: An in-person Status Conference was held on 4/24/2025 before Magistrate Judge Taryn A. Merkl. Appearances by Eric Jason Hecker for Plaintiffs, Christopher Paul DelCioppio for Juda Niayzov, Alevtina Ioffe, and Exclusive Properties Realty, Inc., Nicholas George Sekas on behalf of 202 Marine, Leon Luk for Defendants Xueqiang Zheng and Yu Li Weng, and Spencer Alvin Richards, III, for Defendants Xian Jin Zhang and Remax Edge Realty, LLC. Counsel for Nderim Demirovic did not appear.

Individual Defendants Juda Niayzov and Alevtina Ioffe were also in attendance. Alevtina Ioffe appeared as a representative of Exclusive Properties Realty, Inc.

Discussion held regarding case status and discovery, including the issues raised in ECF Nos. 65 , 66 , 67 , 70 , 71 , 74 , 77 , and 79 . In light of the agreements reached at the conference to provide the requested documents and to schedule the relevant depositions, the discovery motions (65 , 67 , and 74) are terminated as moot.

As discussed on the record, as to Defendant Remax Edge Realty, LLC, counsel shall provide all text messages and phone records related to 581 Caswell between his client and Defendant Niayzov, and between his client and Defendant Zheng, by **4/29/2025**.

As to Defendants Zheng and Wang, counsel agreed to provide a copy of the email discussed on the record in native electronic format by **5/2/2025**.

As to the 202 Marine Defendants, as discussed in further detail on the record, counsel shall provide the initial document production by **5/6/2025**, and shall provide his supplemental document production, including but not limited to the text messages discussed on the record, by **5/16/2025**.

Discussion also held regarding Mr. DelCioppio's motion to withdraw as counsel 75 for the Niayzov Defendants. The Court discussed the significance of Mr. DelCioppio's motion to withdraw with the parties directly and informed the parties that Defendant

Exclusive Properties Realty will be unable to formally appear in this case without a lawyer. Should that occur, Defendant Exclusive Properties could be found in default, which could result in the entry of a default judgment. Defendants Niayzov and Ioffe confirmed that they understood. As discussed, the Court takes the motion to withdraw 75 under advisement, to allow the parties additional time to work towards repairing the attorney-client relationship. Mr. DelCioppio agreed to provide the text messages discussed on the record, which Mr. Hecker will further identify in an email to counsel, by **5/2/2025**. All other discovery **as to the Niayzov Defendants only** is temporarily stayed pending the Court's order on the motion to withdraw. By **5/16/2025**, Mr. DelCioppio is directed to file a status report indicating proposed next steps on the motion to withdraw, including proposed next steps with respect to discovery.

The Court further directed the parties to meet and confer to resolve any outstanding discovery disputes and to schedule depositions. As discussed on the record, Federal Rule of Civil Procedure 37(d)(3) expressly provides that the Court may order the full range of sanctions authorized by Rule 37(b)(2)(A)(i)-(vi) against a party who fails to sit for their own deposition. These sanctions include but are not limited to "prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters into evidence," striking the pleadings, and "rendering a default judgment against the disobedient party." Fed. R. Civ. P. 37(b)(2)(A)(ii), (iii), (vi). In addition, the Court may require the party failing to act to pay the reasonable expenses, including attorney's fees, caused by their failure. Fed. R. Civ. P. 37(d)(3). All counsel are once again respectfully reminded that they are expected to be courteous with one another and to comply with Local Rule 26.4, which requires counsel to cooperate with one another in all phases of the discovery process, and to be courteous with one another. In the event the parties are prepared to be referred to mediation or a settlement conference before the Court, they may submit a letter motion via ECF at any time.

Finally, Mr. DelCioppio is respectfully directed to provide a copy of this Minute Entry and Order to Defendants Ioffe and Niayzov and to file proof of same on ECF by **5/2/2025**. Ordered by Magistrate Judge Taryn A. Merkl on 4/24/2025. (Cisco Log #2:41-4:16.)(KKS) Modified text on 4/30/2025 to reflect defense counsel Leon Luk was present at this conference on behalf of Defendants Xueqiang Zheng and Yu Li Weng .(KC). (Entered: 04/24/2025)



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